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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

1 TUNECORE, INC., a Delaware Corporation; )  
2 and RHAPSODY INTERNATIONAL, INC., a )  
3 Delaware Corporation, )  
Defendants. )

5 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil  
6 Local Rules of the United States District Court, Northern District of California, Plaintiffs  
7 PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an  
8 individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and  
9 Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and  
10 stipulate as follows:

11 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

12 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court  
13 ordered on February 15, 2011, that Defendant Ferguson's response to the Second Amended  
14 Complaint is due by March 14, 2011; and

15 WHEREAS, the parties are actively engaged in settlement discussions in an attempt to  
16 resolve their dispute; and

17 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,  
18 Northern District of California, permits the parties to extend the time within which to answer or  
19 otherwise respond to a complaint by stipulation in writing and without a Court order, provided the  
20 change will not alter the date of any event or any deadline already fixed by Court order; and

21 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file  
22 a responsive pleading to the Second Amended Complaint will not alter the date of any event or any  
23 deadline already fixed by Court order; and

24 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a  
25 responsive pleading should be extended to March 28, 2011, to allow the parties time to discuss  
26 settlement;

27 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective  
28 undersigned counsel, hereby stipulate as follows:

1       1. The time for Defendant David Ferguson to file a responsive pleading to the Second  
2 Amended Complaint shall be extended to and including March 28, 2011;

3       SO STIPULATED.

5       Dated: March 9, 2011

LAW OFFICE OF ALAN KORN

6       By:       /Alan Korn/  
7                    Alan Korn  
8                    *Attorneys for Plaintiffs*  
9                    PENELOPE HOUSTON, GREG INGRAHAM,  
10                  JAMES WILSEY and DANIEL O'BRIEN

IDELL & SEITEL LLP

11      Dated: March 9, 2011

12      By:       /Richard J. Idell/  
13                  Richard J. Idell  
14                  Ory Sandel  
15                  *Attorneys for Defendant DAVID FERGUSON*

**ATTESTATION OF CONCURRENCE**

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

Dated: March 9, 2011

By:       /Richard J. Idell/  
Richard J. Idell

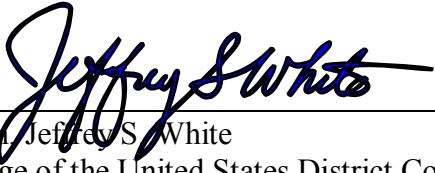
**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1       1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint no later than March 28, 2011.

IT IS SO ORDERED.

Dated: March 10, 2011

  
\_\_\_\_\_  
Hon. Jeffrey S. White  
Judge of the United States District Court  
Northern District of California